

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB75)**

Received: **06/08/2009**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Administrative Law**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

rule making prohibition

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rnelson2 06/10/2009	csicilia 06/10/2009	rschluet 06/10/2009	_____	cduerst 06/10/2009	cduerst 06/10/2009	

FE Sent For:

<END>

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/1	rnelson2	1 ijs 6/10 09	609	JF			

FE Sent For:

<END>

6/10

**Nelson, Robert P.**

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**From:** Hanaman, Cathlene  
**Sent:** Sunday, June 07, 2009 12:04 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: AB 75: drafting request for Assembly Amendment - rule-making that increases costs  
**Attachments:** 09-23861.pdf

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**From:** Solie, Denise  
**Sent:** Saturday, June 06, 2009 3:12 PM  
**To:** Champagne, Rick; Hanaman, Cathlene  
**Subject:** AB 75: drafting request for Assembly Amendment - rule-making that increases costs

Please draft the attached statutory language as an AA (to ASA 1) to AB 75.

Please call if you have any questions. Thanks.

Denise Solie  
Office of Rep. Mark Gottlieb  
(608) 267-2370  
*Good government starts here!*

06/08/2009

**Nelson, Robert P.**

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**From:** Hanaman, Cathlene  
**Sent:** Wednesday, June 10, 2009 1:38 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: RE-DRAFT of or new amendment request: AB 75: drafting request for Assembly Amendment - rule-making that increases costs  
**Importance:** High  
**Attachments:** 09-23861.pdf

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**From:** Solie, Denise  
**Sent:** Wednesday, June 10, 2009 11:58 AM  
**To:** Champagne, Rick; Hanaman, Cathlene  
**Subject:** RE-DRAFT of or new amendment request: AB 75: drafting request for Assembly Amendment - rule-making that increases costs  
**Importance:** High

Please Modify this drafting request.

Please (re-)draft this amendment, as follows:

add in \$25,000 from JFC appropriation for study by WI Tech Council as to Wisconsin's regulatory climate and whether it impedes job creation.

---

**From:** Solie, Denise  
**Sent:** Saturday, June 06, 2009 3:12 PM  
**To:** Champagne, Rick; Hanaman, Cathlene  
**Subject:** AB 75: drafting request for Assembly Amendment - rule-making that increases costs

Please draft the attached statutory language as an AA (to ASA 1) to AB 75.

Please call if you have any questions. Thanks.

Denise Solie  
Office of Rep. Mark Gottlieb  
(608) 267-2370  
*Good government starts here!*

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06/10/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0721/1

*RPA*  
*gs*

ASSEMBLY AMENDMENT,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 75

INS Z

1  
2

At the locations indicated, amend the substitute amendment as follows:

(END)

**BILL**

The bill does not apply to rules that become effective two years after the effective date of the bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

91 #. Page 1328, line 6; after that line insert:

✓ SECTION 227.112 of the statutes is created to read:

2478eg

**227.112 Rule making related to increased costs or regulatory burdens.**

(1) In this section:

(a) "Health care facility" has the meaning given in s. 150.84 (2).

(b) "Imminent threat to the public health or safety" means the existence of a condition, circumstance, or practice that would cause death, serious illness, or severe injury to a person or adversely affect the ability of a health care facility to provide health care.

(c) "Regulatory board" means a board created under s. 15.405 or 15.406.

(2) (a) Except as provided in sub. (3), no agency may promulgate a rule that increases costs or regulatory burdens on the persons affected by the rule or that does not reduce the regulatory burden on those persons.

(b) Paragraph (a) does not apply if a regulatory board makes all of the following findings regarding a proposed rule and provides evidence supporting those findings at the public hearing under s. 227.16:

1. The monetary benefits to persons subject to the proposed rule substantially outweigh the costs to those persons.

2. The proposed rule is necessary to allow the regulatory board to administer existing statutory requirements or rules.

(3) Subsection (2) does not apply to a rule that is promulgated for any of the following reasons:

## BILL

1 (a) To avoid a violation of a court order or a federal law that would result in  
2 sanctions by the court or federal government.

3 (b) To prevent an imminent threat to public health or safety.

4 (c) To fulfill an obligation related to fees, rates, penalties, or rules that are  
5 expressly stated in the Wisconsin Constitution.

6 (4) This section does not apply to rules that are first effective on the first day  
7 of the 24th month beginning after the effective date of this subsection .... [LRB  
8 inserts date]. <sup>11/0</sup>

9 (END)

provide ~~for~~ \$25,000  
for the study and  
shall require the

④ #. Page 1815, line 19: after that  
line insert:

④ " (29) From the appropriation under  
section 20.865(4)(a) of the statutes, the joint  
committee on finance shall contract  
with the Wisconsin Technology  
Council for a study of Wisconsin  
regulatory climate and whether  
that climate impedes job creation.  
The contract shall require the Wisconsin Technology Council ~~shall~~  
to submit ~~the results of the study~~ to the members of  
the joint committee on finance by December 31, 2010.

Section 638e.

INS Z

20.865(4)

(4) (intro.) **Joint committee on finance supplemental appropriations.** There is appropriated to the joint committee on finance:

Page 371, line 10: after that line insert:  
20.865(4)(a) of the statutes is amended to read:

20.865(4) (a) General purpose revenue funds general program supplementation. Biennially, the amounts in the schedule to be used to supplement appropriations of the general fund which prove insufficient because of unforeseen emergencies or which prove insufficient to accomplish the purposes for which made, to be used to make loans to appropriations from the general or any segregated fund as provided in s. 13.101 (4m) and miscellaneous expense of the joint committee on finance not to exceed \$250. All loans from this appropriation when repaid shall be credited to this appropriation if repaid during the biennium in which the loan is made. All loans from this appropriation not repaid during the biennium in which the loan is made shall be general purpose revenues-earned. The governor may under this paragraph allot sums not in excess of \$1,000 to any department or agency when necessary, without a meeting of the joint committee on finance. All allotments made under this paragraph by the governor shall be certified by him or her to the department of administration, and expenditures therefrom shall be shown in the state budget report as an additional cost of the state agency to which such allotments were made. VO

and to provide money for the  
contract under section 9128 (2g)

Wisconsin Technical  
Council

2009 Wisconsin  
Act Δ....Δ (this act) ↑